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Statement by United States Mission to the United Nations on behalf of the U.S. Delegation to the
U.N. Human
Rights Committee

We have just received the Report of the Human Rights Committee on the Second and Third Periodic Reports of the United States, and we need to review it further before we can offer more detailed comments.

This report process is required of all States Parties to the treaty. The Covenant sets out a comprehensive body of core human rights protections that are cherished by all people in all countries. We believe it is the single most important human rights instrument adopted since the founding of the UN, and we are honored to consult with the Committee about it.

The United States made a major effort to detail for the Committee how the rights reflected in the Covenant are cherished by the American people and are protected under U.S. law and by U.S. institutions. We think it is one of the most comprehensive reports ever received by the Committee from any country. We had a large multi-agency, senior-level delegation and made an effort to address every question raised in the time available.

The Committee loses perspective and credibility when it spends more time criticizing the United States than countries with no civil and political rights. For example, the recent Committee Conclusions and Recommendations on North Korea was about half the length of that on the United States.

On some fundamental matters we do not agree with the Committee, and are disappointed with the Committee's findings on these matters. For example, the U.S. has been clear since the Covenant was first negotiated by Eleanor Roosevelt in 1950 that it only applies in the national territory of a party. It does not, and never has, applied to the U.S. military or U.S. military installations abroad. Other domestic and international law, including the laws of war, govern these activities.

As noted State Department Legal Adviser John Bellinger, " We can understand the Committee's desire to have the Convention apply outside

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the territory of a State Party but we must accept the Convention the way it was written, not the way the Committee wishes it to be. Despite this clear limitation of its mandate, the Committee has made at least six separate recommendations that concern U.S. activities outside the territorial United States that are governed by the laws of war. We find these conclusions outside the scope of the Committee's mandate an unfortunate diversion of the Committee's attention."

The Committee has often made only the barest connection between the Covenant and its proposed recommendation. In a few cases, that connection would appear to be lacking in its entirety. At first reading, many of the conclusions and recommendations appears to have failed to take into account much of the information we provided in our written and oral responses to the Committee. Given the limited mandate of the Committee's review, we find this extremely disappointing.

The Committee has made recommendations that address matters that are under active consideration by federal and state courts under U.S. law, and by state and federal agencies. We are an open society, accustomed to robust public policy debate, and will be happy to examine the Committee's views closely and draw any appropriate conclusions from them.

The United States Government looks forward to speaking further about the Conclusions and Recommendations after it has had a chance to read and study them further.

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